

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Frederick J. Kapala	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 50154	DATE	7/29/2008
CASE TITLE	Driveline Sys., LLC vs. Arctic Cat, Inc.		

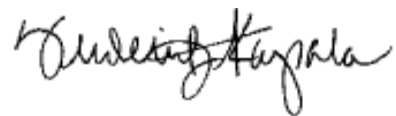
DOCKET ENTRY TEXT:

This matter is before the Court on preliminary review of the allegations of federal subject matter jurisdiction asserted in the notice of removal filed by defendant Arctic Cat, Inc. Defendant has removed this action from the Circuit Court for the 17th Judicial Circuit Winnebago County, Illinois, to this court invoking this court's diversity of citizenship jurisdiction, 28 U.S.C. § 1332(a)(1), and referencing the following paragraphs from the complaint filed in circuit court:

Driveline is an Illinois limited liability company which maintains its principal place of business at 6421 Material Avenue, Loves Park, Illinois, 61111.

Arctic Cat is a Minnesota corporation which maintains a place of business at 600 Brooks Avenue, South, Thief River Falls, Minnesota, 56701.

The Court finds that defendant, which as the removing party has the burden of establishing federal jurisdiction, Meridian Sec. Ins. Co. v. Sadowski, 441 F.3d 536, 540 (7th Cir. 2006), has failed to properly allege complete diversity of citizenship. Limited liability companies do not have citizenship for diversity purposes. Hicklin, L.C. v. Bartell, 439 F.3d 346, 347 (7th Cir. 2006); Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir. 1998). The citizenship of all the members of LLCs is the relevant citizenship for diversity jurisdiction. Therefore, it is hereby ordered that defendant file an amended notice of removal not later than thirty (30) days from the date of entry of this order or this matter will be summarily remanded.



Docketing to mail notices.

Courtroom Deputy Initials	/lc
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